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VIA ECF

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The Honorable Mary Kay Vyskocil, U.S.D.J.
United States District Court, Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

Re: Penske Media Corp. v. Shutterstock, Inc., 20-cv-4538 (MKV)

Dear Judge Vyskocil:

Penske Media Corporation and Shutterstock, Inc. submit this joint letter to respectfully request a brief adjournment of the currently scheduled March 2, 2022 post-discovery status conference, which the parties believe may inadvertently have been set to require the submission of pre-motion letters before the close of discovery instead of after the close of discovery.

The deadlines in this case have been adjusted various times. Prior to the most recent adjustment, the Court initially ordered the post-discovery conference to be held 12 days after the close of all discovery, such that the joint letter and any pre-motion letters were to be filed with the Court five days after the close of all discovery. (ECF No. 69 and 86). At the time, fact and expert discovery had different deadlines, with expert discovery set to be completed just over eight weeks after the close of fact discovery. Fact discovery in this case was later extended to be coterminous with expert discovery, which was scheduled to close on January 21, 2022.

The fact-discovery cut-off date was later changed to February 28, 2022 (ECF No. 99). In the Court's Order extending the close of fact discovery to February 28, 2022, the Court also moved the then-set February 2, 2022 post-discovery conference to March 2, 2022. Thus, as it stands now, the post-discovery status conference is set for two business days after the close of fact discovery, with the joint letter and pre-motion letters due five days before the close of such discovery. The parties believe that it would be more efficient for the parties and the Court for the currently scheduled March 2, 2022 post-discovery conference date to be held at a slightly later date to allow the parties to have all fact discovery available when preparing their pre-motion letters; to be fully prepared at the post-discovery conference; and because there remain various outstanding or open discovery items about which the parties will need to confer well in advance of the conference. For instance, depositions are scheduled up until the last week of fact discovery. Moreover, certain discovery responses are due two days before the currently scheduled March 2, 2022 conference. In addition, both sides have open discovery issues they are working through in order to thoroughly prepare before the conference.



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For these reasons, the parties respectfully request that the Court adjourn the March 2, 2022 post-discovery conference and suggest that it be scheduled on a date which allows the parties to present the court with information covering the full discovery record. The parties have conferred and are available on March 25, March 28, the morning of March 29, the afternoon of March 30, and March 31.

Sincerely,

MITCHELL SILBERBERG & KNUPP LLP


By: /s/ Eleanor M. Lackman
ELEANOR M. LACKMAN
ATTORNEYS FOR SHUTTERSTOCK, INC.

SHAPIRO ARATO BACH LLP

By: /s/ Cynthia S. Arato
Cynthia S. Arato
ATTORNEYS FOR PENSKE MEDIA CORPORATION

GRANTED. The status conference currently scheduled for March 2, 2022 is adjourned to March 30, 2022 at 3:00pm. SO ORDERED.

Date: 2/22/2022
New York, New York


Mary Kay Vyskocil
United States District Judge